

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS**

In re: Diane Smith McCarty

Petition No. 2003-0107-029-001

REINSTATEMENT CONSENT ORDER

WHEREAS, Diane Smith McCarty of Branford, Connecticut (hereinafter "respondent") has been issued license number 000704 to practice as a massage therapist by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 384a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent's license expired on March 31, 1996, and respondent has now applied to have said license reinstated by the Department pursuant to Chapter 368a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits as follows:

1. That from April 1, 1996 until present respondent practiced as a massage therapist during which time respondent's license had lapsed.
2. That the conduct described above constitutes grounds for denial of respondent's application for reinstatement pursuant to §19a-14(a)(6) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-206c of the General Statutes of Connecticut, as amended, respondent hereby stipulates and agrees as follows:

1. Respondent waives right to a hearing on the merits of this matter.

2. Respondent's license to practice as a massage therapist shall be reinstated upon satisfaction of the requirements for reinstatement as set forth in Chapter 19a-14-1 through 19a-14-5 of the Public Health Code of the State of Connecticut, and this Reinstatement Consent Order is executed by all parties.
3. Respondent shall pay a civil penalty of one thousand four hundred dollars (\$1,400.00) by certified or cashier's check payable to, "Treasurer, State of Connecticut". The check shall reference the Petition Number on the face of the check. Said civil penalty shall be payable at the time respondent submits this executed Reinstatement Consent Order to the Department.
4. Respondent shall comply with all federal and state statutes and regulations applicable to respondent's license.
5. Respondent shall notify the Department of any change in respondent's home and business address within fifteen (15) days of such change.
6. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Department's Office of Practitioner Licensing and Certification.
7. Respondent understands this Reinstatement Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Department of Public Health in which (1) respondent's compliance with this Reinstatement Consent Order is at issue, or (2) respondent's compliance with §20-206c of the General Statutes of Connecticut, as amended, is at issue.
8. This Reinstatement Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Reinstatement Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the Connecticut General Statutes provided that this stipulation shall not

deprive respondent of any other rights afforded under the laws of the State of Connecticut or of the United States.

9. This Reinstatement Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. This Reinstatement Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
11. Respondent has the right to consult with an attorney prior to signing this document.
12. This Reinstatement Consent Order is a matter of public record.

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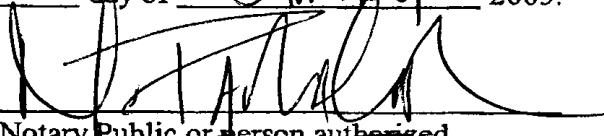
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I, Diane Smith McCarty, have read the above Reinstatement Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Reinstatement Consent Order to be my free act and deed.



Diane Smith McCarty

Subscribed and sworn to before me this 9th day of JANUARY 2003.

My Commission Expires June 30, ~~2002~~ ²⁰⁰⁶ HPC


Notary Public or person authorized
by law to administer an oath or
affirmation

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 13th day of JANUARY 2003, is hereby ordered and accepted.


Stanley K. Peck, Director
Legal Office

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